THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10068 OF 2006

13.06.2006

Between:

M.Krishna Reddy, S/o.Late Bheemi Rey

… Petitioner

AND

The Chief Commissioner of Land Administration,

Nampally, Hyderabad

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10068 OF 2006

ORDER:

The instant writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent, namely, the Mandal Revenue Officer, Tirupathi Urban Mandal (MRO), in trying to dispossess the petitioner from the land admeasuring Acs.6.00 in survey No.33 situated at Mangalam Revenue Village as illegal and arbitrary, when the revision petition filed by the petitioner is pending before the Chief Commissioner of Land Administration (CCLA).

The brief fact of the matter reveals that the petitioner's father allegedly got Saswatha Patta on 15.3.1943 in respect of the subject land. The petitioner's claim for patta under Section 11(a) of A.P. (Andhra Area) Estates and Conversion into Ryotwari Act, 1948 (the Act, for brevity) was rejected by the Settlement Officer. The petitioner unsuccessfully made first revision to the Director of Settlements, Government of Andhra Pradesh. Yet, again, the petitioner preferred another revision under Section 7 of the Act before the CCLA in July 2003 and the same is pending. The petitioner now alleges that while the revision petition filed by him is pending, the MRO is trying

to evict the petitioner and issue pattas to third parties, denying the right of the petitioner.

At the stage of preliminary hearing itself, the learned Assistant Government Pleader for Revenue (Assignment) obtained instructions. He submits that the land in survey No.33 of Mangalam Village admeasuring Acs.13.05 is classified as Chennaiahkunta Cheruvu as per the survey and settlement records and that the claim made by one Sri C.Bala Chandra was ultimately rejected by this Court in W.P.No.17645 of 2005 n 10.11.2005 on the ground that the subject land is communal poramboke land, which cannot be granted to anybody under the Act. It is further stated by the learned Assistant Government Pleader that the Cheruvu is not in possession of the petitioner and the writ petition is filed by making false allegations.

Admittedly the revision petition filed by the petitioner is pending before the CCLA. There is also no denial that the CCLA did not grant any stay or direction in favour of the petitioner. Therefore, even if the allegation made by the petitioner that the MRO is taking steps to assign the land to poor persons is true, the same cannot be faulted. Further, as rightly pointed out by the learned Assistant Government Pleader that when the land is classified as communal land or tank, under the provisions of the Act, the same cannot be granted to any person. If so advised, it shall be open to the petitioner to approach the CCLA in this regard.

The writ petition is misconceived and is accordingly dismissed.

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(**V.V.S.RAO, J**)

June 13, 2006

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